

## Meeting Notes Blackstone River Bikeway Task Force

**DATE:** Tuesday July 21, 2009  
10:30 AM – 1:00 PM

**PLACE:** Massachusetts Highway Department District 3 Office  
First Floor Conference Room  
403 Belmont Street  
Worcester, MA 01604

**ATTENDEES:** List Attached

### **1. Welcome and Introductions**

Kim Sloan, Massachusetts Highway Department's (MassHighway) Project Manager, opened the meeting and introductions were made. Handouts provided included:

- agenda
- BRBW Proposed Design Options to Reduce Wetland/Floodplain Impacts (ten 8.5"x11" sheets)

Josh Lehman, EOT Planning, encouraged participants to attend an October 14, 2009 'Moving Together 2009' conference.

**2 & 3. Project Updates – Sections 1 and 2** (separate agenda items were discussed together because they share common issues)

Kim Sloan stated that MassHighway transferred \$850K to DCR for design of Section 1. Dan Driscoll, DCR, later added that DCR had intended to set aside \$30M to advance the bridges in Section 1, but it appears possible that this bridge work will be included in the state's Accelerated Bridge Program. He anticipates that this question will be resolved as the 'new DOT' is defined in August.

Kim stated that the design of Section 2 is progressing, and she anticipates the 75% submission this fall. Section 2 construction could be programmed next year if it can be added to the region's Transportation Improvement Program (TIP) if the right of way was in place. The preliminary cost estimate is \$7M, excluding ROW costs which have not yet been estimated. Jonathan Church, CMRPC, stated that this year's draft TIP is already in review, so Section 2 would need to be added as an addendum or added to next year's TIP. However, this year's TIP is only \$11M so it would be difficult to shift \$7M to Bikeway Section 2. Regarding funding sources, Representative George Peterson noted that Rhode Island had found funding for their portions of the bikeway while Massachusetts has not. Arthur Frost, MassHighway, and Jan Reitsma, J.H. Chaffee Blackstone River Valley

National Heritage Corridor Commission (Corridor Commission), each agreed to ask contacts in RI how that portion was funded.

Rights-of-Way (ROW). Kim Sloan stated that MassHighway legal staff advised her that MassHighway cannot obtain ROW for bikeway/walkway facilities unless they are directly on abandoned railroads or adjacent to highway projects (i.e. within highway project ROW). She noted that MassHighway Commissioner Paiewonsky met with project supporter Senator Moore and told him MassHighway has no mechanism or funding to take ROW for the project. Jan Reitsma pressed MassHighway and DCR to seek solutions to the ROW question, including looking into new legislation that would clearly provide a mechanism. Rep. George Peterson stated he would pursue the matter with Senator Moore to encourage a Commissioner-level solution. Dan Driscoll stated DCR sent a letter regarding the ROW issue to MassHighway. He requested a ROW acquisition summary from MassHighway/Parsons so DCR can see specifically what will be required. Arthur Frost offered to provide DCR with preliminary ROW plans for Section 2. It was agreed that Section 2 would serve as a test case to find a feasible way to acquire ROW. Dan reminded the group that this is a unique project that requires sorting out legal and policy matters because it is unprecedented. Previous bikeway projects were typically much smaller and already on public land, state land, or abandoned rail beds, so ROW acquisition was not as complex. He noted that DCR may be better equipped to implement ROW acquisition because it knows how to work with land-owners more closely than MassHighway. Linda Walsh, MassHighway ROW, explained that MassHighway typically acquires land by appraising then taking, with little input from property owners. Linda Walsh said it would be easier for DCR to lead the ROW effort than it would be to enact new policies or legislation allowing MassHighway to do it.

Jan Reitsma asked that the meeting minutes reflect a group consensus that the Commissioners should meet to resolve the ROW issue. It was agreed that any ROW solution would require a Commissioner-level agreement. Dan Driscoll cautioned that with current budget constraints the commissioners won't be sympathetic to calls for more funding to accomplish ROW coordination (as well as the additional staff that would be necessary to work out each ROW agreement), as the Bikeway has already received relatively high funding compared to competing projects. He suggested finding some way for ROW staff from the two agencies to collaborate.

Arthur Frost asked Jan if the Corridor Commission has the authority to acquire ROW for Section 2. Jan responded that the Corridor Commission can only accept donated land, and must turn it over to others within 1 year.

Diane Keith, Corridor Commission, requested a breakdown of project funding to date. Arthur stated that, other than the \$850K for Section 1 there has been no change since the hand-out provided in a previous task Force Meeting.

Jen Hager (Town of Sutton) and Diane Keith requested more coordination with Town Planners so potential opposition by certain property owners can be resolved early, and the eventual public hearings will go more smoothly since the Town planners will have the information to respond to questions and explain the proposed alignment. Caution also was expressed on completing the EIR document when the Towns have information on reluctant landowners that may favor relocating the alignment. Jan Reitsma stated the Corridor Commission already sent letters, signed by the Selectmen of each Town, to the Commissioners of MassHighway and DCR requesting the Consultant be made available to meet regularly with the Towns.

Laurie Connors, Millbury, cited an alignment issue where Parsons was contacted and met with the Town and an affected property owner to resolve a conflict. As a result the alignment route was satisfactorily revised. Frank Vitale also pointed out that if Parsons is contacted and made aware of a potential issue with regards to alignment location, and if it's determined to be significant, these conflicts often can be addressed satisfactorily at this early stage of project planning, as in Millbury.

Joshua Grzegorzewski acknowledged that the public involvement process could be improved with more local coordination, but suggested the Towns could meet among themselves without MassHighway or Parsons. He noted that the purpose of these Task Force meetings is a forum for that coordination. Kim noted that budget constraints limit the number of meetings the Consultant can attend. Dan Driscoll cautioned against allowing individual property owners to dictate the alignment of a publicly funded project, and Linda Walsh noted that FHWA has instructed MassHighway that environmental/cost/safety considerations should drive an alignment, rather than ROW. Arthur also suggested that the goal is to complete the EIR which could be used as the tool to gather more comments prior to the initiation of design.

Frank Vitale, Parsons PM, invited Jen Hager to contact him regarding individual issues in Sutton. He also noted that early coordination meetings were held with all of the 8 corridor communities and major property owners including DCR, the P&W RR, National Grid, Aquarion Water, James Knott's Riverdale Mills, Stanly Woolen Mills and others. He would like to reserve much of the coordination budget for later during design when more localized issues can be addressed...

#### **4. Project Update – Sections 3, 4, 5**

Frank Vitale, Parsons Project Manager, was unable to review progress made to date until 12PM because of extended discussions on issues principally raised by the Corridor Commission. Unfortunately, a number of meeting participants also needed to leave the meeting at noon and were not able to hear how the project has been progressing.

Parsons initially reviewed the ENF alignment and looked at 10 specific locations where alignment shifts would potentially reduce environmental impacts or better serve the

project purpose. Those shifts were presented previously. Parsons overlaid the resulting revised alignment onto base mapping, modeled the entire alignment showing toes of slope, retaining walls, flood elevations, etc. and determined that the wetland and floodplain impacts were greater than expected. Parsons identified impact avoidance and minimization techniques that could be applied but they would substantially increase the cost. Parsons is evaluating options such as wooden boardwalks used in RI, and precast concrete elevated structures used in VT. A summary matrix table is currently being developed to compare inexpensive/high-impact options to expensive/low-impact options to use as a decision-making tool.

Recently Parsons began to develop a finding of effect for historic resources. A test pit plan for archeological resources was submitted to MassHighway for review. Parsons identified sustainability options and drafted a strategy to win 'green' certification that would potentially qualify the project for environmental-targeted funding sources. Parsons and MassHighway met with the Corps of Engineers to discuss design options, and began a preliminary construction cost estimate.

Dave Patnaude then reviewed the impact minimization measures now being considered along the project corridor.

Major areas discussed included:

1. the Aquarion property (at-grade and elevated bikeway) in Millbury;
2. Canal Street (cantilever structure) in Millbury;
3. the farm pond/inlet (elevated bikeway) in Sutton;
4. South of Riverdale Street (bridges, elevated bikeway) in Northbridge;
5. Plummer's Trail (elevated bikeway/turtle mitigation) in Northbridge;
6. Riverbend Farm (at grade) in Uxbridge;
7. South of Route 16/Mumford River (elevated bikeway) in Uxbridge.

Mike Jones from NHESP provided brief comments to the habitat area of concern in Northbridge. He explained that for such a significant project over 20+ miles, the NHESP had relatively few concerns about rare species habitat along the alignment. He wanted to assure the group that there were avenues to allay any concerns the NHESP may have. This could include creative solutions such as the ideas presented by Parsons or through a Conservation and Management Permit. He and NHESP will continue to coordinate with MassHighway Environmental and the Consultant.

After Dave's presentation, Frank explained that the next step will be for Parsons to meet with MassHighway and DCR to gain input on how to limit the extent of these minimization design options to reduce impacts at reasonable costs.

## **5. Other Business/Questions**

Dan Driscoll stated that DCR had agreed to take ownership of bikeway Section 6 bikeway from MassHighway, with the exception of some drainage and bridge structures that MassHighway will retain. All of MassHighway's punch-list items were completed except relocating a chain-link fence closer to the rail line; P&W railroad would not agree to the reduced clearance.

Rep. George Peterson requested the copies of the presentation materials be made available. Frank Vitale responded that after all Task Force meeting, presentation materials have been posted on the project's web site. Today's materials also will be posted... Rep. Peterson also requested a smaller group convene specifically to identify funding sources. He, Diane Keith, Arthur Frost, and Danny O'Brien (per Dan Driscoll) agreed to set up a meeting amongst themselves.

#### **6. Next Meeting Date**

Kim Sloan said she preferred not to set a date for the next meeting until some of the recurring issues are resolved, to ensure that the Task Force meetings are productive for all participants.